HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Misc. Application No. 1002 of 2006

1. Kanchan s/o Banshi
2. Hemraj s/o Kanchan
3. Kokman s/o Kanchan
4. Jai Prakash s/o Babu
   All residents of village Shyamnagar
   P.S. Kashipur, Udham Singh Nagar

..... Applicants

Versus

1. State of Uttaranchal
2. Murari Lal Saini s/o Sri Mitan Singh
   Village Shyamnagar, P.S. Kashipur
   District Udham Singh Nagar ..... Opp. Party

Dated: 7.12.2006

Hon'ble Rajesh Tandon, J.

Heard Sri Amrish Agarwal counsel for the applicant and learned A.G.A. for the respondents.

By the present application under section 482 Cr.P.C. the applicants have challenged the order dated 28.9.2006 passed by the Additional Chief Judicial Magistrate, Kashipur, Udham Singh Nagar in Criminal case No. 3292 of 2006.

According to the applicants, respondent no. 2 has filed a complaint case before Additional Chief Judicial Magistrate, Kashipur which was registered as criminal Case No. 3292 of 2006 under section 147, 148, 149, 323, 504, 506 I.P.C. The learned Magistrate after recording the evidence of the complainant under section 200 and statements of witnesses under section 202 Cr.P.C. took cognizance and issued summons

to the applicants, against which the applicants have filed the present application under section 482 Cr.P.C.

So far as the instant petition under section 482 Cr.P.C. is concerned, it has been filed for quashing the summoning order. I find no infirmity in the order and, therefore, no interference can be made under section 482 Cr.P.C. and both the parties will be at liberty to lead the evidence in view of the observations made by the Apex Court in the case Medchl Chemicals and Pharma (P) Ltd. vs. Biological E. Ltd. and others (2003) 3 SCC 269.

Since the trial has to take place for the offences under aforesaid sections, on the basis of the complaint filed by the respondent no. 2, therefore, without expressing any opinion on the merits of the case, I direct the applicants to appear before the Magistrate concerned and the court will permit them to file appearance bonds to the satisfaction of the Magistrate concerned for their regular appearance in the case.

Subject to the observations made above, application under Section 482 Cr.P.C. is disposed of.

Rajesh Tandon, J.

Dated: 7.12.2006

*Dhyani